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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/052,334

01/23/2002

S. Brandon Keller

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HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER

PANNALA, SATHYANARAYA R

ART UNIT

PAPER NUMBER

2167

DATE MAILED: 04/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/052,334

Applicant(s)

KELLER ET AL.

Examiner

Sathyanarayan Pannala

Art Unit

2167

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7,9-13 and 15-19 is/are pending in the application.
- 4a) Of the above claim(s) 8 and 14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7,9-13 and 15-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Applicant's Amendment filed on 2/03/2005 has been entered with amended claims 7, 13 and 19 and cancelled claims 8 and 14. Claims 1-7, 9-13 and 15-19 are pending in this Office Action.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 1-7, 9-13 and 15-19 are rejected under 35 U.S.C. 101, because independent claims 1, 13, 7 and 19 are directed to a system, method and storage medium, which are a non-statutory subject matter.

As per independent claims 1 and 13, the preamble recites "A system for providing a network based site having pages with a common appearance" and as per independent claim 7, the preamble recites "A method for providing a network based site having pages with a common appearance" as drafted said claims are not technologically embodied on a computer readable medium (See *In re Waldbaum*, 173 USPQ 430 (CCPA 1972); *In re Musgrave*, 167 USPQ 280 (CCPA 1970) and *In re Johnston*, 183 USPQ 172 (CCPA 1974) also see MPEP 2106 IV

2(b), even though said claim is limited to a useful, concrete and tangible application (See *State Street v. Signature financial Group*, 149 F.3d at 1374-75, 47 USPQ 2nd at 1602 (Fed Cir. 1998); *AT&T Corp. V. Excel*, 50 USPQ 2nd 1447, 1452 (Fed. Cir. 1999).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Dan et al. (US Patent 6,560,639) hereinafter Dan.

6. As per independent claim 1, Dan teaches a system for content management tool to allow users to design and manage simple web sites to complex, database-driven websites (col. 2, lines 19-25). Dan teaches the claimed “a tag embedded in each page of a network-based site, each page stored in a page storage medium” as a page

generally includes any linked (tag) file in an internet (col. 10, lines 3-4). Further, Dan teaches the claimed “a script to be called from within the tag” as the web management scans the site’s database 50 for scripts (Fig. 2, col. 11, lines 28-29). Finally, Dan teaches the claimed “a configuration database storing page configuration information to be called or queried by the script” as the web management system 30 may maintain all of the different components, attributes or meta data of the web page in the database 50 at an ISP 25 (Fig. 2, col. 11, lines 16-24).

7. As per dependent claim 2, Dan teaches the claimed “a server configured to retrieve a page from the page storage medium, detect the tag in the page, retrieve the script associated with the tag, execute the database script in a configuration database to access page configuration information and serve the page including the page configuration information” as in step S10, whether the user has requested a web page attributes form from front end script 35 via the web server 20 is determined and in step S20, the front end script 35 reads the database 50 associating web page attributes and web pages in a given web site and sends the requested form having attribute associations to the user via the web server 20 and the user’s web browser 10 (Fig. 3, col. 12, lines 15-22).

8. As per dependent claim 3, Dan teaches the claimed “the script comprises database script” as the front-end and back-end scripts communicate with database 50 (Fig. 2, col. 10 line 67 to col. 11, line 2).

9. As per dependent claim 4, Dan teaches the claimed "a script database storing the script" as the front-end and back-end scripts communicate with database 50 and the examiner interprets that the scripts are stored on the database 50 (Fig. 2, col. 10 line 67 to col. 11, line 2).

10. As per dependent claim 5, Dan teaches the claimed "the configuration database and the script database comprise the same database" as web management system 30 maintains all of the different components, attributes or meta-data of the web page in the database 50 at an ISP25 and the scripts are also stored in the same database 50 (Fig. 2, col. 11, lines 16-18 and 28-29).

11. As per dependent claim 6, Dan teaches the claimed "each page comprises a HTML page" as a web page includes a file at the web site notated with standard scripting language such as HTML (col. 10, lines 4-7).

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the

time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

13. Claims 7, 9-13 and 15-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dan et al. (US Patent 6,560,639) hereinafter Dan, and in view of Alexander (US Patent 6,732,331) hereinafter Alexander.

14. As per independent claim 7, Dan teaches a system for content management tool to allow users to design and manage simple web sites to complex, database-driven websites (col. 2, lines 19-25). Dan teaches the claimed step of "executing a database script associated with the page through a tag embedded in the page to access configuration information from a configuration database" as the front end script 35 reads the database 50 associating web page attributes and web pages in a given web site and as a page generally includes any linked (tag) file in an internet (Fig. 1, 3, col. 10, lines 3-4 and col. 12, lines 18-20). Further, Dan teaches the claimed step of "receiving configuration information associated with the page from the configuration database, wherein the page, including the configuration information, is to be served to a user" as

the front end script 35 reads the database 50 associating web page attributes and web pages in a given web site and sends the requested form having the attribute associations to the user via the web server 20 and the user's web browser 10 (Fig. 1, 3, col. 12, lines 18-20). Dan does not explicitly teach receiving a request for web page and retrieving it from a database and providing to the requester. However, Alexander teaches a method for managing web pages including metadata. He also teaches as a user can design the structure of a series of related web pages through a graphical user interface. Alexander teaches the claimed step of "receiving a request for a page" as the web server 17 services requests for web pages received from the clients (Fig. 1, col. 4, lines 20-22). Further, Alexander teaches the claimed step of "retrieving the page from a page storage medium" as web pages are retrieved from a storage device 19 and sent to the requesting client (Fig. 1, col. 4, lines 22-23). Thus, it would have been obvious to one of ordinary skill in the data processing art at the time of the invention, to have combined the teachings of the cited references because Alexander's teachings would have allowed Dan's method to organize content augmenting conventional web pages creation tools whereby data stored in the web page can be easily modified without writing custom data entry application (col. 2, lines 36-40).

15. As per dependent claim 9, Alexander teaches the claimed step of "retrieving the page from the page storage medium comprises retrieving the page in a hypertext markup language format and receiving the configuration information comprises

receiving information in a hypertext markup language format” as the web page is written in hypertext markup language (Fig. 1, col. 4, lines 28-31).

16. As per dependent claim 10, Dan teaches the claimed step of “the configuration information is integrated into the page when the page is served” as the front end script 35 reads the database 50 associating web page attributes and web pages in a given web site and sends the requested form having the attribute associations to the user via the web server 20 and the user’s web browser 10 (Fig. 1, 3, col. 12, lines 18-20).

17. As per dependent claim 11, Dan teaches the claimed step of “executing the database script comprises giving the page a name and using the page name in the database script to access the configuration database” as the attribute identification or fields are used like, web page name identification are used by the data base to store information about each page logically (col. 12, line 64 to col. 13, line 5).

18. As per dependent claim 12, Alexander teaches the claimed step of “receiving configuration information comprises receiving information to be displayed in the body of the page” as a metadata template 100 generated by the content management framework 18 to allow a user to control the format and content of a data entry form 130. The data entry form is used to generate a web page 160 (Fig. 1, 6-8, col. 8, lines 5-14).

19. As per independent claim 13, which claims a system. Dan teaches a system for content management tool to allow users to design and manage simple web sites to complex, database-driven websites (col. 2, lines 19-25). Dan teaches the claimed "executing a database script associated with the page through a tag embedded in the page to access configuration information from a configuration database" as the front end script 35 reads the database 50 associating web page attributes and web pages in a given web site and as a page generally includes any linked (tag) file in an internet (Fig. 1, 3, col. 10, lines 3-4 and col. 12, lines 18-20). Further, Dan teaches the claimed "receiving configuration information associated with the page from the configuration database, wherein the page including the configuration information may be served to a user" as the front end script 35 reads the database 50 associating web page attributes and web pages in a given web site and sends the requested form having the attribute associations to the user via the web server 20 and the user's web browser 10 (Fig. 1, 3, col. 12, lines 18-20). Dan does not explicitly teach receiving a request for web page and retrieving it from a database and providing to the requester. However, Alexander teaches a method for managing web pages including metadata. He also teaches as a user can design the structure of a series of related web pages through a graphical user interface. Alexander teaches the claimed step of "receiving a request for a page" as the web server 17 services requests for web pages received from the clients (Fig. 1, col. 4, lines 20-22). Further, Alexander teaches the claimed "retrieving the page from a page storage medium" as web pages are retrieved from a storage device 19 and sent to the requesting client (Fig. 1, col. 4, lines 22-23). Thus, it would have been obvious to one of

ordinary skill in the data processing art at the time of the invention, to have combined the teachings of the cited references because Alexander's teachings would have allowed Dan's method to organize content augmenting conventional web pages creation tools whereby data stored in the web page can be easily modified without writing custom data entry application (col. 2, lines 36-40).

20. As per dependent claim 15, Alexander teaches the claimed step of "retrieving the page from the page database comprises means for retrieving the page in a hypertext markup language format and the means for receiving the configuration information comprises means for receiving information in a hypertext markup language format" as the web page is written in hypertext markup language (Fig. 1, col. 4, lines 28-31).

21. As per dependent claim 16, Dan teaches the claimed step of "the configuration information is integrated into the page when the page is served" as the front end script 35 reads the database 50 associating web page attributes and web pages in a given web site and sends the requested form having the attribute associations to the user via the web server 20 and the user's web browser 10 (Fig. 1, 3, col. 12, lines 18-20).

22. As per dependent claim 17, Dan teaches the claimed step of "executing the database script comprises means for giving the page a name and using the page name in the database script to access the configuration database" as the attribute

identification or fields are used like, web page name identification are used by the data base to store information about each page logically (col. 12, line 64 to col. 13, line 5).

23. As per dependent claim 18, Alexander teaches the claimed step of "receiving configuration information comprises means for receiving information to be displayed in the body of the page" as a metadata template 100 generated by the content management framework 18 to allow a user to control the format and content of a data entry form 130. The data entry form is used to generate a web page 160 (Fig. 1, 6-8, col. 8, lines 5-14).

24. As per independent claim 19, which claims a computer storage medium. Dan teaches a system for content management tool to allow users to design and manage simple web sites to complex, database-driven websites (col. 2, lines 19-25). Dan teaches the claimed "executing a database script associated with the page through a tag embedded in the page to access configuration information from a configuration database" as the front end script 35 reads the database 50 associating web page attributes and web pages in a given web site and as a page generally includes any linked (tag) file in an internet (Fig. 1, 3, col. 10, lines 3-4 and col. 12, lines 18-20). Further, Dan teaches the claimed "receiving configuration information associated with the page from the configuration database, wherein the page, including the configuration information, is to be served to a user" as the front end script 35 reads the database 50 associating web page attributes and web pages in a given web site and sends the

requested form having the attribute associations to the user via the web server 20 and the user's web browser 10 (Fig. 1, 3, col. 12, lines 18-20). Dan does not explicitly teach receiving a request for web page and retrieving it from a database and providing to the requester. However, Alexander teaches a method for managing web pages including metadata. He also teaches as a user can design the structure of a series of related web pages through a graphical user interface. Alexander teaches the claimed step of "receiving a request for a page" as the web server 17 services requests for web pages received from the clients (Fig. 1, col. 4, lines 20-22). Further, Alexander teaches the claimed "retrieving the page from a page storage medium" as web pages are retrieved from a storage device 19 and sent to the requesting client (Fig. 1, col. 4, lines 22-23). Thus, it would have been obvious to one of ordinary skill in the data processing art at the time of the invention, to have combined the teachings of the cited references because Alexander's teachings would have allowed Dan's method to organize content augmenting conventional web pages creation tools whereby data stored in the web page can be easily modified without writing custom data entry application (col. 2, lines 36-40).

Response to Arguments

25. Applicant's arguments filed on 2/03/2005 have been fully considered but they are not persuasive and details as follows:

- a) Applicants' argument stated as "Claims 1 and 13 are directed to a system, and thus is directed to statutory subject matter."

In response to the Applicants' argument, Examiner respectfully disagrees with the Applicant because whole claim has to be considered and not based on a single word. In claim 1, the preamble stated as the system, whereas the limitation stated as a page storage medium. When you consider the page storage medium it could be a book of pages and it is not a statutory subject matter. Claim 13 is also rejected under the same rationale as claim 1.

b) Applicants' argument stated as "Claim 7 is directed to a method. According to the MPEP, for computer related processes to be statutory."

In response to the Applicants' argument, Examiner respectfully disagrees with the Applicant because the claim 7 states as a method in the preamble. When we consider the whole claim, similar to the item (a), response, the limitation stated as a page storage medium. When you consider the page storage medium it could be a book of pages and it is not a statutory subject matter.

c) Applicants' argument stated as "Claims 1-6 have been rejected under U.S.C. 102(e) as allegedly being anticipated by the disclosure contained in Dan."

In response to the Applicants' argument, Examiner respectfully disagrees with the Applicant because, for example the claim 1, limitation is "a tag embedded in each page of a network-based site, each page stored in a page storage medium." Dan et al. (US Patent 6,650,639) do teach this limitation as a page generally includes any linked (tag) file in an internet (col. 10, lines 3-4). As per the current invention on page 14, line 12-13, the link to a database is the tag.

A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 370 F.2d 576, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 312 F.2d 937, 939, 136 USPQ 458, 459 (CCPA 1963).

d) Applicants' argument stated regarding claims rejection under 35 U.S.C. 103(a) as "This rejection is respectfully traversed because Dan considered singly or in combination with Alexander fails to disclose all of the elements of Claims 7, 9-13 and 15-19."

a. In response to the Applicants' argument, Examiner respectfully disagrees with the Applicant because Alexander reference has been added to cover the deficiencies of the primary reference of Dan. For example, Alexander teaches the claim 7 limitation "retrieving the page from a page storage medium" as web pages are retrieved from a storage device 19 and sent to the requesting client (Fig. 1, col. 4, lines 22-23). Examiner recognizes that combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion can only establish the obviousness, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596

(Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

Conclusion


26. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sathyanarayan Pannala whose telephone number is (571) 272-4115. The examiner can normally be reached on 8:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Sathyanarayan Pannala
Examiner
Art Unit 2167

srp
April 20, 2005


Primary Examiner